



**MINUTES
CITY COUNCIL REGULAR MEETING
August 24, 2021**

CALL TO ORDER

The meeting was called to order at 6:30 pm.

Present: Mayor: Charlie Miner; Council: Jahn Dyvik, Mike Feldmann, Gina Joyce, and Deirdre Kvale

Staff Present: City Administrator: Scott Weske; Planning Consultant: Hannah Rybak; Engineering Consultant: Alex Mollenkamp; Public Works Director: Sean Diercks; Fire Chief: James Van Eyll; and City Clerk: Jeanette Moeller

Absent: None

PLEDGE OF ALLEGIANCE

MAYOR'S COMMENTS – LONG LAKE NEWS, MEETING REVIEW AND UPDATES

Mayor Miner offered the following updates and comments:

There were no work session or EDA meetings held prior to the regular meeting.

Mayor Miner thanked and congratulated the Long Lake Area Chamber of Commerce and the Orono Lions Club for putting together a wonderful and successful Buckhorn Days event. He reflected that it was great to see the event back again this year.

APPROVE AGENDA

A motion was made by Feldmann, seconded by Joyce, to approve the agenda as presented. Ayes: all.

CONSENT AGENDA

The Consent Agenda consisted of:

- A. Approve Minutes of August 4, 2021 City Council Work Session
- B. Approve Minutes of August 4, 2021 City Council Meeting
- C. Receive Unofficial Draft Minutes of August 10, 2021 Planning Commission Meeting
- D. Approve Vendor Claims and Payroll
- E. Approve the Proposed 2022 Lake Minnetonka Communications Commission (LMCC) Budget and 5 Year Capital Plan

Council member Kvale requested staff provide further accounting of active escrows, and questioned at what point staff follows up on escrow balances carried. Staff provided clarification on the communication and tracking process involved in monitoring escrow accounts regularly, and explained that the varying tools available that serve as the City's leverage to assure balances are paid. Administrator Weske confirmed he would send Council member Kvale an accounting of current escrow balances.

A motion was made by Dyvik, seconded by Feldmann, to approve the Consent Agenda, as presented. Ayes: all.

OPEN CORRESPONDENCE

No one was in attendance to address the City Council during Open Correspondence.

BUSINESS ITEMS

Planning Case #2021-04 / Request for a Conditional Use Permit to Construct an Electronic Changeable Copy Monument Sign on Property Located at 2410 Industrial Boulevard W (McDonalds)

Planning Consultant Rybak highlighted the property's location and gave a presentation reviewing the applicant's request for a conditional use permit to install an electronic changeable copy sign for the McDonalds property, which is currently being fully remodeled. She noted that a sign permit has already been approved for all the updated signage to be installed on the site, with the exception of a proposed monument sign that would include the electronic changeable copy component. The proposed monument sign has been found to meet all size, height and location standards.

Rybak reviewed the criteria for issuance of a conditional use permit for an electronic changeable copy sign, and indicated staff found that the applicant's request meets the required criteria. With that, she confirmed staff and the Planning Commission recommend the City Council consider approval of the conditional use permit requested, subject to the conditions contained in the Resolution and staff report. It would be a condition of approval that a sign permit is required to be issued prior to construction of the sign.

Rybak also clarified that if the sign ordinance language changes and conditional use permits are no longer required for electronic changeable copy signage, all conditional use permits for signs issued would be removed from the annual conditional use permit review process.

Moeller confirmed that staff has prepared a draft ordinance that will come before Planning Commission and City Council in September to delete the conditional use permit requirement for electronic changeable copy signs, leaving all other language regarding design and functionality of these signs unchanged.

Council member Dyvik recalled the Council hearing a sign application from McDonalds a few years ago. Moeller responded that the sign application was for a variance for a pre-browse menu board that exceeded the maximum pre-browse board size permitted.

A motion was made by Feldmann, seconded by Dyvik, to adopt Resolution No. 2021-34 approving the request for a Conditional Use Permit (CUP) to allow construction of an electronic changeable copy monument sign on the property located at 2410 Industrial Boulevard W, subject to conditions as stated in the Resolution. Ayes: all.

Order 2021 Sanitary Sewer Rehabilitation Project and Approve Professional Services Agreement With WSB for Design and Construction Observation/Administration

Engineering Consultant Mollenkamp provided a presentation describing the proposed 2021 Sanitary Sewer Rehabilitation Project for the City's sanitary sewer District 4. Staff is requesting the Council consider adoption of a Resolution ordering the project, as well as approval of the proposal from WSB for project design and construction administration. The proposal by WSB includes preparation plans and specifications, soliciting bids, contract documents and facilitating Council approval of awarding the contract, as well as project oversight.

Mollenkamp reviewed funding sources proposed for the project, to include a Metropolitan Council municipal I/I grant, American Rescue Plan (ARP) funds, and approximately \$113,253 of the overall \$364,690 project cost to be funded from City funding.

Weske noted that the City's portion of the project would be funded through a transfer from the former turnback fund as a one-time payment to the sewer fund, with cash to be available before the City begins receiving invoices. At the time the City receives grant reimbursements, staff would recommend considering putting grant funds back into that turnback account.

Council member Dyvik suggested leaving the grant funds in the sewer fund as an infusion to help return the fund to a healthier balance.

Weske provided further clarification on specific City funding sources.

Mollenkamp indicated that if the project is ordered at the meeting, WSB will begin design promptly with a goal for approving plans and specifications in late summer/early fall. Subsequently, the project would go out for bidding and a contract would be awarded in late fall or early winter.

She also explained that although Grand Avenue had originally been separated out due to consideration of improvements that differ from lining for budgeting and discussion purposes, it would likely not be separated out in the project specifications.

Mayor Miner questioned whether repairing offset pipes would require digging up street surfaces.

Mollenkamp replied that there would be a couple locations where the contractor will have to excavation, and inspection will be key to assure a safe excavation site. She further stated that with regard to the lining process, a lot of times residents will say they didn't notice the work had occurred. She and Public Works Director Diercks provided a description of the lining process, and explained how sewer lines versus manholes function and would be repaired where needed.

Regarding WSB's proposal for construction administration, Council member Kvale questioned whether the construction observation line item for \$23,000 could be reduced by having Public Works play a role in oversight.

Mollenkamp clarified that the construction observation item is for a person to be the main point of contact for the contractor, to field calls for unanticipated issues, to make trained technical decisions on the spot, and their expertise lies specifically in working with sewer lining projects. She confirmed that it is possible that actual hours could come in at less than the estimated 180 hours; however, a significant portion of the time will be spent by that person in reviewing all the televising tapes to be sure linings were installed correctly. The 180 hour estimate is reflective of that viewing time which is necessary.

Council and staff continued to discuss elements of the WSB proposal and project, discussing how the work would be parsed over the overall project timeline; anticipated interference for residents and public notification; traffic control measures to be employed as needed; the number of bids WSB estimates may be received; and potentially timing the project in conjunction with another area city's project in order to possibly achieve more favorable bidding results.

Mollenkamp pointed out that most of the pipes involved in the project are vitrified clay pipes. Although once thought to be bulletproof, these pipes slowly develop cracks over time. Lining was pretty much invented to address these types of pipes and scenarios.

A motion was made by Dyvik, seconded by Miner, to adopt Resolution No. 2021-35 to order the 2021 District 4 Sanitary Sewer Rehabilitation Project. Ayes: all.

A motion was made by Miner, seconded by Joyce, to approve the Professional Services Agreement with WSB for design and construction observation/administration for the 2021 District 4 Sanitary Sewer Rehabilitation Project in an amount not to exceed \$41,681.00. Ayes: all.

Reschedule Tuesday, September 21 City Council Meeting to Alternate Date

Moeller reported that due to a Council member absence and a land use application requiring a supermajority vote, staff is requesting Council make a motion to reschedule the Tuesday, September 21 City Council meeting to either Monday, September 27 or Tuesday, September 28, 2021. The City's preliminary levy will also need to be adopted at the rescheduled meeting, as the deadline for certification is September 30. Staff will administratively reschedule the September 21 EDA meeting in accordance with the new Council meeting date selected.

A motion was made by Feldmann, seconded by Joyce, to reschedule the Tuesday, September 21 City Council meeting to be held Tuesday, September 28 at 6:30 pm. Ayes: all.

OTHER BUSINESS

Creekside Drive Sinkhole – Council member Kvale mentioned she had spoken with Public Works Director Diercks regarding a sinkhole forming on Creekside Drive. Diercks explained that a catch basin intersection had offset. Years ago when stormwater systems were installed, they were haphazardly placed with no real standard. Now, standards apply to installation of stormwater infrastructure, but sometimes now cities find themselves dealing with past shoddy installation practices. The offset allowed erosion around the barrel, which resulted in a cave-in. Diercks is working towards possibly working on the street a year from now, but will undertake measures to assure the street is safe in the meantime. Currently, Diercks is attending wastewater training in St. Cloud for credits towards his continuing licensure.

Water Line to Charles Cudd Properties – Council member Dyvik inquired about the issue he had heard about regarding a water line feeding the Charles Cudd properties. Diercks responded that the line that was used for the 1806 Symes Street lot to connect to was an existing line that used to feed Martha Lane years ago. They replaced a section of watermain, saddled that service line to Martha Lane, but didn't tap it. The main has been tapped and water is now available to the house. He confirmed City records were updated to reflect the status in the line, and that Public Works has a file with an index card documenting work done to every property in town.

Public Works Updates – Diercks stated that he appreciated approval of the sewer lining project, noting hopefully the City will be able to see significant savings in the future. The two new Public Works staff are continuing to be trained in doing projects here and there. Personally, Diercks mentioned he was released from physical therapy for his previous shoulder surgery and was feeling good. He advised Council of a significant increase in graffiti on the east end of town, highlighted vandalized areas, and added that he is hopeful graffiti will be reduced as school comes back in session. He responded to Council member questions regarding responsible parties for cleanup of various tagged areas, and noted that in one situation, a resident forwarded a photo of a license plate of a departing vehicle that staff in turn shared with Wayzata Police.

Glenmoor Lane Parking Update – Mayor Miner sought an update from City Clerk Moeller regarding a pending petition from Glenmoor Lane regarding parking. Moeller confirmed she had received a draft petition from a resident to request permit parking only on Glenmoor Lane from Wayzata Boulevard W to Heather Lane, provided details of the draft petition request, and indicated staff is awaiting receiving a signed petition prior to moving forward with an ordinance reflective of their request. She noted that with the division of responses to the previous survey, there was no clear direction for staff and Council to feel comfortable moving forward on a parking limitation proposal; however, a petition by a majority of residents will help offer more clarity in direction.

Absence From September 7 Meeting – Council member Joyce indicated that she may not be available to attend the September 7 meetings. Moeller provided a review of draft agenda items for the September 7 meetings.

Chambers Window Repair – Weske noted that staff is hopeful the Council Chambers window replacement will be completed by the end of September, and the window had finally been delivered.

Out of Office – Moeller advised that she will be out of the office on Thursday and Friday before the Labor Day holiday, and packets will be distributed earlier than usual for the September 7 Council meetings.

Townhouses in Orono – In response to inquiry by Council member Dyvik, Fire Chief Van Eyll shared that the development at the corner of Willow Drive and Wayzata Boulevard W in Orono would be a 37-unit townhouse project. He did not know whether the townhomes would be rentals or owner occupied.

ADJOURN

Hearing no objection, Mayor Miner adjourned the meeting by general consent at 7:41 pm.

Respectfully submitted,

Scott Weske
City Administrator